



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Revision Case No.878 of 2021

Perumal

... Petitioner/Accused

..Vs..

1.The Sub Inspector of Police,
Magudanchavadi Police Station,
Salem District.

2.The Additional Superintendent of Police,
Nethimedu,
Salem District,
Crime No.245 of 2021

... Respondents/Complainant

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order of dismissal dated 13.10.2021 made in C.M.P.No.952 of 2021 in Crime No.254 of 2021 on the file of the Judicial Magistrate No.II, Sankari, Salem District.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.S.Sugendran
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision Petition has been filed against the dismissal of the petition seeking return of property.

2.Learned counsel for the petitioner would submit that the petitioner is the owner of Honda CB Unicorn two wheeler bearing its Registration No.TN-52-P-6804, Chasis No.ME4KC314CK8003807 and Engine No.KC31E81003824. He would submit that the respondent has registered a case in Crime No.245 of 2021 for the offence under Section 4(1)(a) of TNP Act and that the vehicle has been seized and it is now in the custody of the respondent police. He would further submit that the vehicle is



kept in open space exposing to vagaries of weather and thereby, the value of the vehicle is deteriorating day by day. He would submit that the petitioner is unable to put the vehicle to use and that the petitioner would abide by any stringent conditions to be imposed by this Court and he would be prepared to produce the vehicle before the respondent or before the concerned court as and when required by the Court. He would further submit that the petition filed before the learned Judicial Magistrate II, Sankari was dismissed on 13.10.2021 stating that the confiscation proceedings have already been initiated by the concerned Authority.

4.Mr.S.Sugendran, learned Government Advocate (Crl side) appearing for the respondent would submit that the petitioner is the owner of the property and accused in this case. He was found illegally transporting 70 bottles of liquor in his two wheeler and arrested on the spot. He would further submit that the Authorities have initiated proceedings for confiscation and the show cause notice dated 10.07.2021 has been issued and the petitioner has also replied to the same.

5. Heard the learned counsels on both sides and perused the materials on record.

6.Taking into consideration of the fact that the petitioner is the accused in this case, the Criminal Revision petition is dismissed with a direction to the petitioner to approach the concerned Authority and appear for the confiscation proceedings.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

vri/shk

To

1. Judicial Magistrate-II,
Sankari, Salem District.
- 2.The Sub Inspector of Police,
Magudanchavadi Police Station,
Salem District.



3.The Additional Superintendent of Police,
Nethimedu,
Salem District,
Crime No.245 of 2021

WEB COPY

4.The Public Prosecutor (Crl side),
High Court, Madras.

+1cc to Mr.r.Jayaprakash, Advocate SR.No.63616

Crl. RC. No.878 of 2021

VG II(CO)
CB(13/12/2021)